

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**WILL E. DELLINGER, JR.,**

**Plaintiff,**

**v.**

**COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,**

**Defendant.**

**Case No. 20-CV-176-JFH-SPS**

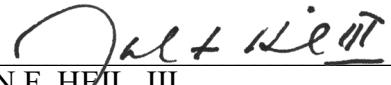
**ORDER**

This matter is before the Court on Plaintiff's Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d) ("Motion"). Dkt. No. 23.

On September 20, 2021, the Court entered judgment remanding the decision of the Social Security Administration for further administrative proceedings. Dkt. No. 22. On December 16, 2021, Plaintiff filed his motion for attorney fees, seeking \$6,684.40 to compensate for 31.90 hours of attorney time. Dkt. No. 23 at 2. On December 28, 2021, the Commissioner filed a response to the Motion requesting, by agreement of the parties, that the Motion be granted in part and Plaintiff be awarded \$6,000.00. Dkt. No. 25 at 2. Having reviewed the case file, the Court finds that Plaintiff is a prevailing party, that an award of attorney fees is just, and that the agreed upon fees are reasonable and properly documented. Dkt. No. 23-1; Dkt. No. 23-2.

IT IS THEREFOR ORDERED that Plaintiff's Motion for Award of Attorney Fees [Dkt. No. 23] is GRANTED IN PART, and Plaintiff is awarded EAJA fees in the amount of \$6,000.00 payable to Plaintiff in care of his counsel. If Plaintiff's counsel also ultimately receives an award of attorney fees under 42 U.S.C. § 406(b), counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

Dated this 7<sup>th</sup> day of April 2022.

  
JOHN F. HEIL, III  
UNITED STATES DISTRICT JUDGE